



CLASS ACTION PRACTICE GROUP RESUME

OUR FIRM

Saltz Mongeluzzi Barrett & Bendesky, P.C. ("SMBB") is widely acknowledged as one of the finest Plaintiffs' law firms on the East Coast, routinely handling the largest and most complex cases over a wide array of practice areas and recovering the largest settlements and verdicts for its clients. The firm employs 26 highly-respected attorneys in its Philadelphia office, all of whom are focused on achieving the best possible result for the firm's clients.

Robert J. Mongeluzzi, the firm's founding shareholder, has been a driving force in establishing SMBB's reputation as one of the leading plaintiff litigation firms. He is widely regarded as among the nation's most skillful and successful trial attorneys in handling complex cases involving catastrophic construction accidents, electrical accidents, and products liability. A leader in the courtroom and in the legal community, Mr. Mongeluzzi is consistently rated by his peers as at the top of his profession; ranking second and third respectively among all Pennsylvania lawyers in the 2005 and 2006 balloting of more than 35,000 lawyers in a survey conducted by Super lawyers and published in Philadelphia Magazine. Mr. Mongeluzzi frequently appears in print and electronic media as an expert on workplace accidents and the law. Mr. Mongeluzzi also holds the record for the largest reported settlement in Philadelphia County Court of Common Pleas, a \$75.6 million jury verdict.

SMBB expanded its presence in the field of complex litigation when it added a Class Action Practice Group in 2007, headed by Simon B. Paris, formerly of Spector, Roseman & Kodroff, P.C., Philadelphia. SMBB's class practice focuses on the prosecution of antitrust, consumer, employment and securities class actions in state and federal courts. The Group's attorneys enjoy a national reputation for legal innovation and integrity, and have the experience and resources to ensure that its clients will receive the finest representation available.

PRACTICE AREAS

Antitrust Class Actions

Federal and state antitrust laws prohibit practices that restrain trade, such as when one or more companies fix prices for products or services, agree not to compete for customers or business, agree to allocate sales in certain markets, boycott a manufacturer or refuse to supply a particular good or

service unless another product is also purchased. These laws are intended to ensure lower prices, better quality products and greater choice for consumers by promoting free and open competition and requiring companies to compete on a level playing field. Anti-competitive conduct is most likely when an industry with high barriers to entry is controlled by a few key players who produce commodity products with limited substitutability.

The attorneys in SMBB's Class Action Practice Group have significant experience in antitrust litigation as a result of their participation in the following cases:

- *In Re Aftermarket Filters Antitrust Litigation* (N.D. IL)
- *In re Carbon Fiber Antitrust Litigation* (C.D. CA)
- *In re Chocolate Confectionery Antitrust Litigation* (M.D. PA)
- *In re Cigarette Antitrust Litigation* (N.D. GA)
- *In re Construction Glass Antitrust Litigation* (N.D. IL)
- *In re DRAM Antitrust Litigation* (N.D. CA)
- *In re EPDM Antitrust Litigation* (D. MA)
- *In re Fasteners Antitrust Litigation* (E.D. PA)
- *In re Flat Glass Antitrust Litigation* (W.D. PA)
- *In re Flonase Antitrust Litigation* (E.D. PA)
- *In re Graphite Electrodes Antitrust Litigation* (E.D. PA)
- *In re K-Dur Antitrust Litigation* (D. NJ)
- *In re Linerboard Antitrust Litigation* (E.D. PA)
- *In re LTL Shipping Antitrust Litigation* (N.D. GA)
- *In re Metoprolol Succinate Indirect Purchaser Antitrust Litig.* (D. DE)
- *In re National Football League Antitrust Litigation* (E.D. PA)
- *In re Nylon and Polypropylene Carpet Antitrust Litigation* (N.D. GA)
- *In re Ocean Cabotage Antitrust Litigation* (M.D.L. – Puerto Rico)
- *In re Organic Peroxides Antitrust Litigation* (D. D.C.)
- *In re OSB Antitrust Litigation* (E.D. PA)
- *In re Paxil Antitrust Litigation* (E.D. PA)
- *In re Payment Card Interchange Fee Litigation* (E.D. NY)
- *In re Plastic Additives Antitrust Litigation* (E.D. PA)
- *In re Processed Egg Products Antitrust Litigation* (E.D. PA)
- *In re Rail Freight Fuel Surcharge Antitrust Litigation* (D. D.C.)
- *In re Relafen Antitrust Litigation* (D. MA)
- *Sheet Metal Workers v. Amgen, Inc. (Aranesp)* (E.D. PA)
- *In re Steel Antitrust Litigation* (N.D. IL)
- *In re Tricor Indirect Purchaser Antitrust Litigation* (D. DE)
- *In re Urethane Antitrust Litigation (Polyether Polyols)* (D. KS)
- *In re Vitamins Antitrust Litigation* (D. D.C.)

Consumer Class Actions

Consumer fraud encompasses a wide range of activities in the marketing and sale of goods or services, including when companies overcharge consumers for goods or services, run deceptive advertisements or interpret agreements in an unfair manner. In the case of Taft-Hartley benefit plans or municipal entities, consumer fraud often takes the form of misrepresentations made to gain formulary placement or win preferred payment tier status. With so many businesses involved in the aggressive pursuit of short-term gain, even

the most conscientious fund can fall victim to fraud.

The attorneys in SMBB's Class Action Practice Group have significant experience in consumer fraud litigation as a result of their participation in the following cases:

- *Baycol Products Liability Litigation* (D. MN)
- *Blake v. UAG* (D. NJ)
- *Blake v. LifeLock Inc.* (D. AZ)
- *Bridgestone / Firestone Tire Recall Litigation* (PA St. Ct.)
- *Celebrex Consumer Litigation* (State and Federal Courts)
- *Chrysler Airbag Defect Litigation* (PA St. Ct.)
- *Cirulli v. Hyundai Motor Company* (C.D. of CA)
- *Compaq Computer Litigation* (S.D. TX)
- *Deluhery v. Unifiednames, Inc.* (D. NJ)
- *Employers Mutual Casualty Co., et al. v. Cephalon, Inc.* (E.D. PA)
- *Fabian v. Fulmer Helmets, Inc.* (TN Cir. Ct.)
- *Falkenberg v. Alexico, et al.* (D. NJ)
- *Ford Transmission Defect Litigation* (E.D. PA)
- *Francis v. Holman Enterprises, Ltd.* (NJ Sup. Ct.)
- *In re Bayer Corp. Combination Aspirin Products Marketing & Sales Practice Litigation* (D. NJ)
- *GM Advertising Litigation* (D. MN)
- *Hale, et al. v. Stryker Orthopaedics, et al.* (D. NJ)
- *Kaplan v. WASCO* (NJ Sup. Ct.)
- *Klein v. DeSimone* (NJ Sup. Ct.)
- *Lupron Marketing and Sales Practices Litigation* (D. MA)
- *Melman, et al. v. O'Neill Properties, et al.* (PA St. Ct.)
- *Moroz, et al. v. Alexico, et al.* (E.D. PA)
- *Paoli Railroad Yard PCB Litigation* (E.D. PA)
- *Phelan v. Title Insurance Rate Service Association, Inc., et al.* (S.D. NY)
- *Pharmaceutical Industry Average Wholesale Price Litig.* (D. MA)
- *Plumbers & Pipefitters L. 572 v. Biovail Corporation* (E.D. PA)
- *Skin Cap Products Liability Litigation* (S.D. FL)
- *Smith v. Royal Guard LLC* (NJ Sup. Ct.)
- *Synthroid Marketing Litigation* (D. IL)
- *United States, ex rel. Anthony Kite v. Besler Consulting, et al.* (D. NJ)
- *Viagra Insurance Coverage Litigation* (M.D. FL and E.D. NY)
- *Vioxx Consumer Litigation* (State and Federal Courts)
- *In re Vytorin/Zetia Sales Practices and Prod. Liab. Litig.* (D. NJ)
- *Water Heater Products Liability Litigation* (E.D. MO)
- *Weldon v. Cherry Hill Nissan, Inc.* (NJ Sup. Ct.)
- *Zyprexa Payer Litigation* (E.D. NY)

Employment Class Actions

State and Federal wage and hour laws require employers to pay many workers all wages due and owing as well as overtime pay for working more

than forty hours in a work week. A variety of federal laws - including Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Age Discrimination in Employment Act - prohibit employers from firing an employee, refusing to hire an applicant, or changing the terms of employment for reasons related to race, color, sex, national origin, religion, pregnancy, disability or age. Determining if a worker has been properly paid, or has been the subject of discrimination, can involve complex legal issues. At SMBB, our lawyers have the tools to fight for fair treatment in the workplace.

The attorneys in SMBB's Class Action Practice Group have significant experience in employment litigation as a result of their participation in the following cases:

- *Boice v. SEPTA* (PA St. Ct.)
- *Dorofy v. American International Group, Inc.* (D. NJ)
- *EI v. SEPTA* (E.D. PA)
- *Heiser v. SEPTA* (PA St. Ct.)
- *Holt v. SEPTA* (PA St. Ct.)
- *Huntley v. Pittsburgh Mercy Health System* (PA St. Ct.)
- *Myers v. Jani-King, Inc.* (E.D. PA)
- *Turner v. Catholic Health East* (PA St. Ct.)
- *Vanston v. Maxis Health System* (PA St. Ct.)

Securities Class Actions

The federal securities laws were designed to promote a level playing field for investors by requiring full and fair disclosure of all material facts about public companies. When a company seeks to inflate the price of its shares by making false or misleading statements to analysts, brokers or investors, or by using improper accounting practices, federal securities fraud claims may lie. Securities laws have been particularly relevant to Taft-Hartley pension and retirement funds since passage of the Private Securities Litigation Reform Act of 1995, which specifically encouraged institutional investors to protect the assets held for their beneficiaries and other investors by serving as lead plaintiffs in securities class actions.

The attorneys in SMBB's Class Action Practice Group have significant experience in the litigation of securities fraud claims as a result of their participation in the following cases:

- *Abbott Securities Litigation* (N.D. IL)
- *AOL Securities Litigation* (D. MN)
- *Initial Public Offering Securities Litigation* (S.D. NY)
- *Oracle Securities Litigation* (N.D. CA)
- *Parmalat Securities Litigation* (S.D. NY)
- *PE Corp. Securities Litigation* (D. CT)
- *PRI Automation, Inc. Securities Litigation* (D. MA)

- *TXU Securities Litigation* (N.D. TX)
- *Tyco Securities Litigation* (NH St. Ct.)
- *VeriSign Securities Litigation* (ND CA)
- *Xcel Securities Litigation* (D. MN)

Shareholder Derivative Actions

Derivative actions are lawsuits brought by shareholders against a company's officers or directors that generally allege a breach of fiduciary duties. Derivative claims can be appropriate where, for example, a company's officers or directors have been engaged in self-dealing or where a company has sold assets to an officer or director for less than fair market value. These are cases that companies should bring but do not, usually because its officers or directors exercise improper influence over the company's affairs. If a derivative action is favorably resolved, the individuals found to have harmed the company may be required to make monetary payments to the company. Successful derivative actions may also lead to corporate governance changes, so that the conduct complained of will not happen again. Derivative suits will generally benefit shareholders through improved corporate governance and gains in share price.

The attorneys in SMBB's Class Action Practice Group have significant experience in shareholder derivative litigation as a result of their participation in the following cases:

- *Abbott Laboratories Derivative Litigation* (N.D. IL)
- *Bristol-Myers Squibb Derivative Litigation* (S.D. NY)
- *El Paso Derivative Litigation* (DE St. Ct.)
- *Labranche Derivative Litigation* (NY St. Ct.)
- *Tyco Derivative Litigation* (NH St. Ct.)
- *Xcel Derivative Litigation* (D. MN)

SIGNIFICANT RECOVERIES

The attorneys in SMBB's Class Action Practice Group contributed to the following significant recoveries:

- *Abbott Labs Derivative Litigation* (N.D. IL) (\$27 Million)
- *AOL Securities Litigation* (D. MN) (\$2.65 Billion)
- *Baycol Products Liability Litigation* (D. MN) (\$350 Million partial settlement)
- *Bristol-Myers Squibb Securities Litigation* (S.D. NY) (\$300 Million)
- *DRAM Antitrust Litigation* (N.D. CA) (partial settlements over \$143 Million)
- *In re El Paso Corp Shareholder Litigation* (DE St. Ct.). (\$285 Million)
- *Flat Glass Antitrust Litigation* (W.D. PA) (\$126 Million)
- *Initial Public Offering Securities Litigation* (S.D. NY) (\$1 Billion partial settlement)
- *Linerboard Antitrust Litigation* (E.D. PA) (\$202 Million)
- *Lupron Marketing and Sales Practices Litigation* (D. MA) (\$150 Million)

- *In re OSB Antitrust Litigation* (E.D. PA) (\$120 Million)
- *Parmalat Securities Litigation* (S.D. NY) (\$50 Million partial settlement)
- *Paxil Antitrust Litigation* (E.D. PA) (\$150 Million)
- *Relafen Antitrust Litigation* (D. MA) (\$175 Million)
- *In re TXU Securities Litigation* (N.D. TX) (\$150 Million)
- *In re Tyco Securities Litigation* (NH St. Ct.) (\$3.2 Billion)
- *In re VeriSign Securities Litigation* (N.D. CA) (\$80 Million)
- *Vitamins Antitrust Litigation* (D. DC) (\$2.4 Billion)
- *In re Xcel Derivative and Securities Litigation* (D. MN) (\$80 Million)

ATTORNEY BIOGRAPHIES

Simon B. Paris, Esq.

Simon B. Paris, a partner in the firm's Class Action Practice Group, joined SMBB in 2007. Mr. Paris' dedication to finding new ways of identifying and challenging improper business practices has earned him the respect of his peers and nationwide recognition as a class action innovator.

Mr. Paris' practice focuses on the litigation of complex class actions with specializations in antitrust, consumer protection and securities fraud matters.

Before joining the firm, Mr. Paris worked in the Philadelphia office of Spector Roseman & Kodroff, P.C., where he played an integral role in developing and prosecuting many class action cases, including: *Abbott Laboratories Derivative Litigation* (N.D. Ill.); *AOL Securities Litigation* (D. Minn.); *Blake v. United Auto Group Inc.* (N.J. Super.); *Bristol-Myers Squibb Derivative Litigation* (S.D.N.Y.); *Cosgrove v. Nestle Waters North America, Inc.* (N.J. Super.); *Francis v. Holman Enterprises, Ltd.* (N.J. Super.); *Kaplan v. WASCO* (N.J. Super.); *Klein v. DeSimone* (N.J. Super.); *Linerboard Antitrust Litigation* (E.D. Pa.); *Lynch v. National Prescription Administrators, Inc.* (S.D.N.Y.); *Mercedes-Benz Antitrust Litigation* (D.N.J.); *OSB Antitrust Litigation* (E.D. Pa.); *Tricor Antitrust Litigation* (D. Del.); and *VeriSign Securities Litigation* (N.D. Cal.).

Mr. Paris has also worked as an Assistant State Attorney for the State of Florida, where he was lead counsel in over fifty jury trials; as an attorney with Marshall Dennehey Warner Coleman & Goggin, where he handled construction and complex commercial matters; and as a law clerk for Hon. Irvin J. Snyder and Hon. David G. Eynon of the New Jersey Superior Court.

Mr. Paris is admitted to practice in New Jersey, Florida, the United States Courts of Appeals for the Third Circuit, and the United States District Courts for the District of New Jersey.

A 1993 graduate of Rutgers University, Mr. Paris received his law degree from Widener University School of Law in 1996.

Patrick Howard, Esq.

Patrick Howard joined SMBB in 2007 as an associate in the firm's [Class Action Practice Group](#). Mr. Howard brings with him significant experience in the prosecution of [consumer fraud](#) and [antitrust cases](#).

Mr. Howard, together with firm shareholder Robert J. Mongeluzzi, served as Lead Plaintiffs' Counsel in the *In re: Riverwalk Fire Cases*, Master Litigation Docket No. 2008-23265 (Montgomery County). Following the August 13, 2008 fire that destroyed the Conshohocken, PA luxury apartment complex, SMBB led the investigation and prosecution on behalf of all those who suffered damage. After only 14 months, the litigation resulted in a \$36.25 million recovery, including more than \$9 million for the members of the class.

Following Mr. Howard's presentation at the December 17, 2009, Final Settlement Approval Hearing, the Honorable S. Gerald Corso complimented Lead Counsels' efforts in resolving the many issues involved in the litigation "in not only expeditious fashion...but also in providing the maximum benefit for the plaintiffs."

Additionally, Mr. Howard's efforts resulted in SMBB's appointment as lead counsel to a class of over 17,000 consumers in *Weldon v. Cherry Hill Nissan, Inc.*, a case arising out of the alleged deceptive sales practices of an automobile dealership. Without a single objection, the Court approved a settlement that provided consumers with the option to receive a cash payment or a discounted future service of their choice.

Together with pursuing the interests of individual consumers, Mr. Howard also represents a number of small and large businesses, together with Taft-Hartley Funds, who seek redress from violations of the nation's antitrust laws. Currently, Mr. Howard is actively involved in the following litigation: *Community Medical Center HealthCare System, et al. v. Lundbeck Inc.*, Civil Action No. 09-cv-1375 (D. Min)(appointed to Plaintiffs' Executive Committee by Court); Steel Antitrust Litigation (*Standard Iron Works, et al. v. Areclormittal, et al.*, 1:08-cv-05214 (N.D. Ill.)); *In re: Rail Freight Fuel Surcharge Antitrust Litigation*, MDL Docket No. 1869 (D. D.C.);, and *In re: Urethane Antitrust Litigation*, MDL Docket No. 1616 (D. Kan.).

In December 2008 and again in May 2011, Mr. Howard was selected from among thousands of attorneys for inclusion in the *Pennsylvania Super Lawyers—Rising Stars*, a listing which includes the top 2.5 percent of attorneys in the state who are 40 years old or younger or who have been practicing less than 10 years.

Mr. Howard also actively participates in the Philadelphia Volunteers for the Indigent Program, providing pro bono legal representation to impoverished individuals. The Philadelphia Court of Common Pleas recognized Mr. Howard in both 2008 and 2009 on the Pro Bono Roll of Honor as an attorney whose pro bono work has been recognized by the judiciary as exemplary.

Mr. Howard is a 1998 graduate of the University of Scranton, where he received a B.S. in both Political Science and History. He received his law degree from the University Of Pittsburgh School Of Law in 2001. While in law

school, Mr. Howard received Dean's Honors, was a member of the school's Moot Court Board and participated in the Robert Wagner National Labor and Employment Moot Court Competition. After law school, Mr. Howard served as a judicial clerk for the Honorable Peter Paul Olszewski of the Pennsylvania Superior Court, the state's intermediate appellate court.

Mr. Howard is admitted to practice in the United States Courts of Appeals for the Third Circuit, the United States District Courts for the Eastern District of Pennsylvania and District of New Jersey, the Commonwealth of Pennsylvania and the State of New Jersey. He is a member of the American, Pennsylvania and Philadelphia Bar Associations.

Charles J. Kocher, Esq.

Charles J. Kocher worked on a wide array of legal matters - from pharmaceutical products liability litigation to white collar matters- at one of Philadelphia's largest law firms before joining SMBB in 2010.

He worked with all phases of trial preparation, including witness examinations, developing expert reports, and taking and defending depositions. In one important personal injury case, he successfully argued a summary judgment motion before the esteemed Hon. Jack B. Weinstein in the U.S. District Court for the Eastern District of New York, securing an early victory for his client and eliminating the need for a trial.

At SMBB, Mr. Kocher represents small businesses and other individuals who have been injured by price-fixing conspiracies in violation of the antitrust laws. He also represents injured investors of Ponzi schemes. Mr. Kocher received his undergraduate degree, cum laude, from Georgetown University in 2001, and his law degree from Villanova University School of Law in 2004, where he was a managing editor of the Villanova Law Review.

Upon graduation from law school, Mr. Kocher clerked for U.S. District Judge Clarence C. Newcomer, a celebrated judge who sat on the federal bench for more than thirty years in the Eastern District of Pennsylvania.

Mr. Kocher is admitted to practice in the United States Court of Appeals for the Fifth Circuit, the United States District Court for the Eastern District of Pennsylvania, the United States District Court for the District of New Jersey, the Commonwealth of Pennsylvania and the State of New Jersey.